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OCT 27 2006

Serial No.: 09/160,424

Docket No.: 1215

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Schneebeli et al.
Serial No. : 09/160,424
Filing Date : September 25, 1998
Title : VIRTUAL CONTENT PUBLISHING SYSTEM AND
METHOD
Group/Art Unit : 2152
Examiner : Willett, Stephan
Docket No. : 1215

Via Facsimile: Patent Central No. (571) 273-8300

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INTERVIEW SUMMARY STATEMENT

On August 10, 2006, Applicant's counsel Judith Carlson ("Ms. Carlson") conducted a telephone interview with Examiner Willett ("the Examiner") with regard to the status of the appeal for the above-referenced application. Specifically, Ms. Carlson stated that Applicant's revised Appeal Brief had been filed on August 11, 2005, and inquired as to when the Examiner expected to file an Examiner's Answer. The Examiner stated that he had located new prior art and requested that Applicant file a Request for Continued Examination ("RCE") so that he could cite this new prior art. Ms. Carlson inquired as to whether the Examiner intended to re-open prosecution in order to cite this new prior art. The Examiner stated that he would not re-open prosecution, and again requested that Applicant file an RCE so that he could cite this new prior art. The Examiner further stated that he would not receive a "count" if he re-opened prosecution,

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Serial No.: 09/160,424

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but that he would receive a "count" if Applicant filed an RCE. Ms. Carlson stated that Applicant did not intend to file an RCE and requested that the Examiner file an Examiner's Answer as soon as possible.

On September 25, 2006, Ms. Carlson received a telephone message from the Examiner indicating that he wanted to discuss the application. In response, on September 26, 2006, Ms. Carlson telephoned the Examiner and conducted a follow-up telephone interview in which the Examiner stated that he would provide Applicant with the patent numbers of the new prior art. The Examiner further stated that he was providing the patent numbers "off the record," and proceeded to identify the following patent numbers: U.S. Patent No. 5,956,489; U.S. Patent No. 6,205,481; U.S. Patent No. 6,618,751; U.S. Patent No. 5,592,626; and U.S. Patent No. 6,564,216. Ms. Carlson inquired as to whether the Examiner intended to re-open prosecution in order to cite these identified patents. The Examiner responded that these identified patents may not be more relevant than the cited references that are the subject of the appeal and, thus, he would not re-open prosecution. Ms. Carlson inquired as to whether the Examiner considered the identified patents to be §102 references or §103 references. The Examiner responded that at least U.S. Patent No. 5,956,489 is a §102 reference. Ms. Carlson noted that all of the cited references that are the subject of the appeal are §103 references, and inquired again as to whether the Examiner intended to re-open prosecution in order to cite, at a minimum, U.S. Patent No. 5,956,489. The Examiner again stated that he would not re-open prosecution. Ms. Carlson then inquired as to when the Examiner expected to file an Examiner's Answer. The Examiner responded that he would attempt to file an Examiner's Answer within the next three months, but that he could not guarantee this time frame.

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Should the Examiner have any questions or comments with respect to this Interview Summary Statement, he is invited to contact the undersigned attorney at the number listed below.
Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: Judith L. Carlson
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